



STATE OF LOUISIANA  
DEPARTMENT OF STATE CIVIL SERVICE  
**LOUISIANA BOARD OF ETHICS**  
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February 10, 2005

James J. Donelon, Executive Counsel  
Department of Insurance  
P. O. Box 94214  
Baton Rouge, LA 70804-9214

**Re: Ethics Board Docket No. 2005-054**

Dear Mr. Donelon:

The Louisiana Board of Ethics, at its February 10, 2005 meeting, considered your request for an advisory opinion as to the propriety of you entering into a contract with the Department of Justice to provide legal services to the Department of Insurance subsequent to the termination of your employment with the Department of Insurance as Executive Counsel.

Section 1121B of the Code of Governmental Ethics provides that a "No former public employee shall, . . . , or for a period of two years following termination of his public employment, render, on a contractual basis to or for the agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment."

In both *Macmurdo v. Commission on Ethics for Public Employees*, 486 So.2d 829, 831 (La. App. 1st Cir. 1986), *writ denied* 488 So.2d 188 (La. 1986) and *Board of Commissioners, Fifth Louisiana Levee District and Michael O. Hesse v. Commission on Ethics for Public Employees*, 484 So.2d 845, 850 (La. App. 1st Cir. 1986), *writ denied* 487 So.2d 440 (La. 1986), the First Circuit, Court of Appeal, with respect to the interpretation of Section 1121B of the Code, concluded that:

"The clear language of the ethics code is that the prohibition is against contracts with the former employing agency to render services for that agency. The clear language does not prohibit rendering services that might indirectly be for the former agency so long as there is no employment contract with the former agency."

In accordance with the above-referenced First Circuit, Court of Appeal decisions, the Board concluded, and instructed me to inform you, that the Code of Governmental Ethics does not prohibit you from entering into a contract with the Department of Justice to provide legal

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services to the Department of Insurance subsequent to the termination of your employment with the Department of Insurance.

The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics. If you have any questions, you may contact me at (225) 763-8777 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

A handwritten signature in black ink, appearing to read 'Kathleen M. Allen', with a stylized flourish at the end.

Kathleen M. Allen  
For the Board

EB:KMA